United Nations S/AC.44/2004/(02)/32/Add.1

Security Council

Distr.: General
13 January 2006

Original: English

Security Council Committee established pursuant to resolution 1540 (2004)

Letter dated 13 January 2006 from the Permanent Mission of Ireland to the United Nations addressed to the Chairman of the Committee

I refer to the letter dated 15 November 2005 from Ambassador Motoc, your predecessor as Chairman of the 1540 Committee, regarding Ireland's first national report on the implementation of resolution 1540 (2004). That letter sought additional information from Ireland to clarify aspects of our first national report.

In that regard, I have the pleasure to enclose Ireland's response to that request for additional information (see annex). I hope that this provides the clarification that you require in respect of our national report.

(*Signed*) David **Cooney**
Ambassador
Permanent Representative

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Annex to the letter dated 13 January 2006 from the Permanent Mission of Ireland to the United Nations addressed to the Chairman of the Committee

Ireland's Response to request for additional information on implementation of United Nations Security Council Resolution (UNSCR) 1540 (2004)

Ireland wishes to thank the Security Council Committee established pursuant to United Nations Security Council Resolution (UNSCR) 1540 (2004) for its letter and accompanying matrix. Please find below the response of Ireland to the Committee's request for additional information on Ireland's national report on implementation of UNSCR 1540, as set out in the matrix. This material is presented below in the order in which the request for additional information was listed in the matrix.

Ireland would wish to re-state its support of the work of the 1540 Committee in ensuring implementation of UNSCR 1540. Ireland remains firmly of the view that implementation of this Resolution is a vital element in the international community's approach to tackling the threat posed to international peace and security by the proliferation of weapons of mass destruction and their means of delivery and, in particular, the possession of such weapons by non-state actors. Ireland also reiterates its readiness to provide assistance in a national capacity to those countries seeking such assistance in fulfilling their obligations under UNSCR 1540.

Importation of Pathogenic Agents Order of 1997

The Importation of Pathogenic Agents Order of 1997 (S.I No. 302 of 1997), which came into operation on 22 September 1997, prohibits the importation of pathogenic agents except under, and in accordance with, a licence granted by the Minister for Agriculture and Food. Pathogenic goods are defined under the Order as being any collection or culture of organisms or any derivative, present either alone or in the form of a manipulated combination of such a collection or culture of organisms capable of causing disease in any living being (other than man) and any modified derivatives of these organisms, or any genetically engineered organism, which can carry or transmit an animal pathogen, or the tissue, cell culture, secretions or excreta by which or by means of which an animal pathogen can be carried or transmitted but excluding immunological animal remedies controlled by the Animal Remedies Regulations, 1996 (S.I. No. 179 of 1996).

Firearms Acts, 1925-2000

The Firearms Act of 1925 sets out restrictions on the possession, use, carriage, manufacture, sale and importation of firearms. It also includes provisions on the powers of the national police authorities in enforcing this legislation, the setting up of a register of firearms dealers and the civil/criminal penalties for breaches of the Act. Further Firearms Acts have come into force since 1925; the Firearms Act of 1964, *inter alia*, allows the local police authorities to make an order requiring every person in a certain area to surrender a particular type of firearms or ammunition in the interest of public safety or security. The Act also allows for the national police authorities to dispose of certain firearms and ammunition in their possession, and for the issuing of a firearms certificate for limited use by a landowner on specific land. The Firearms Proofing Act, 1968 provides for the proofing of firearms by the Institute of Industrial Research and Standards and provides for a prohibition on the export, sale, letting or use of unmarked firearms and recognition of foreign proof marks. The Firearms Act, 1971 clarified and amended provisions contained in the Firearms Act of 1925 and set out new provisions relating to the sale, possession and carriage of firearms parts, and on the registration of dealers of sporting ammunition. Under the Firearms and Offensive Weapons Act, 1990, the manufacture, importation, sale, hire or loan of offensive weapons, as defined in the Offensive Weapons Order 1991, is prohibited. The Act also sets out provision for a penalty for the reckless discharge of a firearm and the definition of a firearm was widened to include crossbows and stun guns. Statutory Instrument (S.I.) 362 of 1993 enacts EU Council Directives 91/477/EEC and 93/15/EEC 1. These Directives provide a system of notification and understanding for the movement of Firearms around the European Union. They also provide for a common categorisation of Firearms and the use of a European Firearms Pass for individuals wishing to shoot in other member states on a temporary basis. The Firearms (Temporary Provisions) Act, 1998 provides for conditions for granting firearms certificates to persons not ordinarily resident in the State. Most recently, the Firearms (Firearms Certificates for Non-Residents) Act, 2000 provides for the national police authorities to issue temporary firearms certificates for individuals intending to use such firearms only for hunting or sporting purposes.

Biological and Toxin Weapons Convention (BTWC)

There are a number of national legislative measures already in place in Ireland, which regulate the use of biological materials, including the Firearms Act 1925 and S.I. No. 146/1994 (Safety, Health and Welfare at Work (Biological Agents), as amended in 1998. A review by the Department of Foreign Affairs has,

however, identified some possible areas where existing legislation may need to be reinforced in order for Ireland to fully implement its obligations as set out in the BTWC. The Government is currently in the process of identifying a suitable Department or Agency which could carry out a more comprehensive analysis of current legislation with respect to the BTWC, to identify what precise additional legislative measures may be necessary and to ensure that such measures are brought forward as soon as possible.

Criminal Justice (Terrorist Offences) Act, 2005

Ireland's Criminal Justice (Terrorist Offences) Act came into operation on 8 March, 2005. This legislation allowed for, *inter alia*, the ratification of the International Convention for the Suppression of the Financing of Terrorism and is in accordance with UN Security Council Resolution 1373 (2001). The offence of financing terrorism provided for in the Act includes, *inter alia*, the possession, collection or receipt of funds intending that they will be used, or knowing that they will be used, to carry out an act that constitutes an offence under Irish law and within the scope of, and as defined in, the Convention on the Physical Protection of Nuclear Material.

Ireland has implemented UN Security Council Resolutions 1267 (1999) and 1373 (2001) under EU Council Regulations which have the direct force of law in Ireland. Ministerial regulations made under the Criminal Justice (Terrorist Offences) Act, 2005 provide for substantial penalties, on conviction, for breaches of these EU Regulations.

As the Criminal Justice (Terrorist Offences) Act, 2005 has come into effect since the preparation of Ireland's report on implementation of UNSCR Resolution, we would suggest that the reference in Page 7 of the matrix be amended accordingly.

ADR: Transport of Dangerous Goods

Ireland acceded to the ADR Agreement done at Geneva on 30 September 1957. On 28 October 1993 the amending Protocol was adopted at Geneva. The necessary arrangements for Ireland to ratify the Agreement are currently at an advanced stage. Ireland's Health and Safety Authority, as the principal Competent Authority for the ADR in Ireland, has prepared draft Regulations updating the Carriage of Dangerous Goods by Road legislation, to give effect to the revised 2005 Annexes to the ADR. These draft Regulations have been submitted to the Office of the Parliamentary Counsel to the Government and will have to become law in Ireland before the State can formally ratify the Agreement.

It should be noted, however, that Ireland has been implementing ADR provisions via national legislation since 1980 [under S.I. 235 of 1980] and most recently via the Carriage of Dangerous Goods by Road legislation. Ratification of the ADR Agreement will formalise these existing arrangements.

Council Regulation (EC) No.1334/2000, as amended

Ireland consults with other EU Member States in accordance with the provisions of Article 15 of Council Regulation (EC) No.1334/2000, as amended. Ireland has also established an Inter-Agency Group on Export Licensing for Military and Dual Use Goods, on which the Departments of Enterprise, Trade and Employment, Environment and Local Government, Defence, Foreign Affairs, Justice, Equality and Law Reform and the Revenue Commissioners are represented. This Group meets at regular intervals to coordinate efforts to enhance Ireland's export controls system.

Customs Automated Entry Processing System

With regard to the redevelopment of the Automated Entry Processing System, the redeveloped system is scheduled for release in October 2006. The system will be responsible for receiving, validating, processing and clearance of all customs procedures in a real time environment. All declarations at import and export will be subject to risk assessment thus allowing Customs officials increased scope to target the movement of high risk and suspicious transactions.

A Mobile Container Scanner has been purchased by the relevant national authorities and will commence operations in the first quarter of 2006. It will improve detection capabilities for Customs officials when dealing with maritime containers and commercial vehicles.

Additional Information

Export controls

The Minister for Enterprise, Trade and Employment signed a new Control of Exports Order on 22 December (S.I. No. 884 of 2005). The Control of Exports Order, 2005 updates the list of military goods to be controlled to reflect changes agreed in the period up to 31 December 2004 by the export control regimes in which Ireland participates. It is anticipated that further Ministerial Orders will be made in the first half of 2006 to give effect to changes agreed by the export control regimes in the calendar year 2005 and to give effect to Council Regulation (EC) No 1236/2005 of 27 June 2005 concerning trade in certain goods which could be used for capital punishment, torture and other cruel,

inhuman or degrading treatment or punishment, which is to enter into force on 30 July 2006.

Work is progressing on new primary legislation and it is expected that a Control of Exports Bill will be published in 2006. The new legislation will broaden the scope of controls to cover arms brokering and technical assistance as well as providing for audits and inspections of companies exporting military goods.

National legal framework with regard to high-activity sealed radioactive sources and orphan sources

On 21 December 2005, the Minister for the Environment, Heritage and Local Government signed new legislation entitled the Radiological Protection Act 1991 (Control of High-Activity Sealed Radioactive Sources) Order 2005 (S.I. 875 of 2005). The legislation, which came into effect on 31 December 2005, ensures that the necessary national legislation is in place to enable Ireland to implement the EU Council Directive 2003/122/EURATOM of 22 December 2003 on the control of high-activity sealed radioactive sources and orphan sources.

The bulk of the requirements of the Directive were already being implemented in Ireland under legislation made in 2000 (the Radiological Protection Act (Ionising Radiation) Order 2002 (S.I. 125 of 2000)). The basic purpose of the Directive is to prevent exposure of workers and the public to ionising radiation arising from the inadequate control of high-activity sealed radioactive sources and orphan sources by defining specific requirements ensuring that each source is kept under control from the time they are manufactured, to the time they are placed in a recognised installation for their long-term storage or disposal. It also imposes requirements on Member States to ensure arrangements are in place for the safe recovery and management of orphan sources. It will also help to further enhance effective controls at national level to detect, deter and prevent any illicit trafficking of radioactive sources.

Comprehensive Nuclear Test Ban Treaty

Ireland is currently preparing legislation to give effect in Irish law to the Comprehensive Nuclear Test Ban Treaty. The Treaty was signed by Ireland on 24 September 1996 and ratified by Ireland on 15 July 1999.

Port Security

Ireland would propose amending Pages 7, 9 and 11 of the matrix by moving the references to Regulation (EC) No 725/2004 and the International Ship and Port

Facility Code (ISPS) under Item No. 11 on each page to the heading of *National legal framework*. Also, under the heading of *Enforcement* reference should be made to SI 413/2004 (European Communities (Ship and Port Facilities) Regulation 2004), which introduces the penalties for non-compliance with the legislation.

Provisions set out in Directive 2005/65/EC of the European Parliament and of the Council of 26 October 2005 on enhancing port security must be enforced by Member States by 15 June 2007. The Department of Communications, Marine and Natural Resources and the Department of Transport are currently proceeding to take measures to allow for the full implementation of this Directive.